

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH CHAN,

Plaintiff,

v.

MICHAEL RYAN, et al.,

Defendants.

CASE NO. 22-CV-01796-LK

ORDER DENYING MOTION FOR
SERVICE OF SUMMONS

This matter comes before the Court on *pro se* Plaintiff Joseph Chan’s motion requesting “the court to serve all of the summons[es].” Dkt. No. 4. Under Federal Rule of Civil Procedure 4(c)(3), “[a]t the plaintiff’s request, the court *may* order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.” (emphasis added). But the rule requires the Court to do so only when the plaintiff is “authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.” Fed. R. Civ. P. 4(c)(3). That is not the case here, as Mr. Chan paid the filing fee. Dkt. No. 1. The Court thus declines to order service. Mr. Chan “does not explain why he needs the Court’s assistance or why he cannot

1 serve the defendant[s] himself.” *Carter v. Thrasher*, No. C22-0050-BHS, 2022 WL 782424, at *1
2 (W.D. Wash. Mar. 15, 2022).

3 The Court DENIES Mr. Chan’s motion without prejudice. Dkt. No. 4. Pursuant to Federal
4 Rule of Civil Procedure 4(m), he has 90 days from the date that he filed his complaint to serve the
5 defendants. The Court additionally notes that if Mr. Chan wishes to amend his complaint, he must
6 follow the applicable rules, including but not limited to Federal Rule of Civil Procedure 15 and
7 Local Civil Rule 15. Because an amended complaint supersedes the original pleading, the amended
8 complaint must contain the entirety of a plaintiff’s claims and factual allegations and must not
9 refer to or otherwise rely on any portion of the original pleading.

10 The Clerk shall mail a copy of this Order to Mr. Chan at his last known address.

11 Dated this 3rd day of January, 2023.

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Lauren King
14 United States District Judge
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